

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed August 9, 2007, and thank Examiner Misa for her detailed review of the pending claims. In the present amendment, Applicants have amended various claims, and have canceled claim 19 and 21 without prejudice or disclaimer. New claims 35-37 have been added. Thus, claims 1, 18, 20 and 22-37 remain pending in this application.

By way of this amendment, no new matter has been added. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

### **Claim Objections**

The Examiner objected to Claims 21 and 24 based on informalities. Applicants have amended claims 21 and 24 to address the Examiner's concerns. Withdrawal of the objection is therefore requested.

Applicants have also amended claim 27 to correct an error introduced during translation of the application. More specifically, “foliage stripper” was changed to correctly recite a “wiper mechanism for scraping foliage.”

### **Claim Rejections under 35 U.S.C. § 112**

Claims 22 and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More specifically, the Examiner has objected to the phrase “poorly wettable surface” Applicants have amended claims 22 and 24 to clarify the claims. Withdrawal of the rejection is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 1, 18, 27, 28, 30, 31, 32, 33, 34 were rejected under 35 U.S.C. 102(b) as being anticipated by Pellenc et al. (WO 01/87047 A1). Applicants respectfully traverse the rejection.

Independent claim 1 has been amended to recite that the first cylinder includes peripheral grooves disposed thereon. As admitted by the Examiner (see ¶9 of the Office Action), this feature is not taught or shown in Pellenc et al. Thus, claim 1 is patentably distinct from Pellenc et al.

As the remainder of the rejected claims, namely, 18, 27, 28, and 20-24 depend either directly or indirectly from independent claim 1, for at least this reason these claims are also patentable over Pellenc et al. Moreover, the dependent claims contain additional limitations that also patently define over the prior art. For example, claim 30 requires a cover plate that partially spans the first and second cylinders and includes a cutout with an entry incline for the foliage. Pellenc et al. does not disclose this feature. Instead, Pellenc et al discloses a flexible track 41, not a cover plate. The flexible track 41 “wraps around the suction drum 2, and around a second drum 42 arranged in front of the suction drum at a distance therefrom.” Col. 12, lines 1-5. “The guide track 41 consists of a perforated

endless belt, . . . made of a known wire lattice with articulated mesh.” Col. 12, lines 6-8. “[T]he track 41 ensures transmission of the rotating motion of front drum 42 to rear suction drum 2.” Col. 12, lines 14-15. The track 41 in Pellenc et al. is certainly not a “cover plate.” Nor does the track 41 have a cutout with an entry incline. Thus, claim 30 is independently patentable over Pellenc et al. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 1, 23, 24, and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Bou (FR 2417932 A1). Applicants respectfully traverse the rejection.

As stated above, independent claim 1 has been amended to recite that the first cylinder includes peripheral grooves disposed thereon. Like the Pellenc et al. reference, Bou also fails to teach or show this limitation. Accordingly, withdrawal of the rejection with respect to claim 1 is requested. Claims 23, 24 and 29 all depend directly or indirectly from claim 1 such that these claims are also patentably distinct from Bou. Accordingly, Applicants respectfully request withdrawal of the rejection.

### **Claim Rejections Under 35 U.S.C. 103**

Claims 19, 20, 21, 22, 23, 25, 26, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pellenc et al. (WO 01/87047 A1) in view of Praca (U.S. Patent No. 3,712,034). Applicants respectfully traverse the rejection.

As an initial point, Applicants state that the limitations of claim 19 have been incorporated into claim 1. Claim 1 positively recites that the first cylinder, which includes peripheral grooves disposed circumferentially thereon. As admitted by the Examiner, this feature is not taught or shown in Pellenc et al. As will be demonstrated below, this feature is also not taught or shown in Praca.

As set forth in Applicants' specification, the grooves are provided on the first cylinder to increase air flow of the suction blower for suction of the leaves and to provide a sorting effect. Indeed, the leaves, which are significantly lighter than the fruit, are drawn by

the air stream from the suction blower into the region between the first and second cylinders, to strip the leaves from the fruit. However, fruit does not enter the space between the cylinders, and thus the fruit is protected. See, e.g., Page 4 of Specification.

In contrast, the Praca reference (titled “Crushing Rolls for Hay Conditioner”) actually teaches away from the combination suggested by the Examiner, and hence away from independent claim 1. More specifically, Praca teaches two rolls that each have crossed helical grooves 41 and 42, not peripheral grooves disposed circumferentially as positively recited in claim 1. Further, the grooves 41 and 42 are specifically designed to crush the materials between the two rollers, rather than strip leaves from fruit so as to leave the fruit protected:

“The hay in the form of a swath or windrow which is spread along the ground is picked up by the two rolls and passed between these latter for the purpose of cracking the hay-stems, then finally discharged onto the ground behind the machine.” Col. 4, lines 45-49.

Indeed, the aim of the invention disclosed in Praca is to crack the hay “along their full lengths.” Col. 2, lines 1-8.

Thus, the helical grooves positioned on both the rollers actually teach away from claimed invention defined in claim 1. As such, claim 1 (which includes the limitations from original claim 19) is patentably distinct from the Pellenc et al./Praca combination.

The reminder of the claims depend either directly or indirectly from claim 1. Thus, claims 20, 20-23, 25, 26 and 29 are patentable over the Pellenc et al./Praca combination at least by virtue of their dependency on claim 1. Accordingly withdrawal of the rejection is respectfully requested.

### **New Claims 35-37**

New independent claim 35 combines original claim 1 and original claim 30. New claim 35 requires a cover plate that partially spans first and second cylinders and

includes a cutout with an entry incline for the foliage. None of the cited prior art disclose this feature. Indeed, Pellenc et al., for example, does not disclose this feature. Instead, Pellenc et al. discloses a flexible track 41, not a cover plate. The flexible track 41 “wraps around the suction drum 2, and around a second drum 42 arranged in front of the suction drum at a distance therefrom.” Col. 12, lines 1-5. “The guide track 41 consists of a perforated endless belt, . . . made of a known wire lattice with articulated mesh.” Col. 12, lines 6-8. “[T]he track 41 ensures transmission of the rotating motion of front drum 42 to rear suction drum 2.” Col. 12, lines 14-15. The track 41 in Pellenc et al. is certainly not a “cover plate.” Nor does the track 41 have a cutout with an entry incline. Thus, claim 35 is patentable over the cited prior art.

Support for new independent claim 36 may be found in at least paragraph 14 of the specification. More specifically, independent claim 36 requires that the second cylinder includes an elastic peripheral surface. This feature is also not shown in the prior art. New independent claim 37 depends from claim 36 and requires that the first cylinder is constructed from a hydrophobic material. Support for new claim 37 may be found in at least paragraph 14 of the specification and original claim 22. The features of claims 36 and 37 are also not shown in the prior art. Thus, these claims are also patentable over the prior art.

### **CONCLUSION**

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under Order No. 66795-0001. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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